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| 09/781,805 | 02/12/2001 | Geoffrey Hyatt | SNK-001.01 (21831-101) | 9000 |

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| EXAMINER |
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WOO, RICHARD SUKYOON

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| ART UNIT | PAPER NUMBER |
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3639

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/781,805

Applicant(s)

HYATT, GEOFFREY

Examiner

Richard Woo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

- 1) Applicant's amendments filed on March 21, 2005, including the cancellation of Claims 1-11 and the presentation of new Claims 12-23, have been entered.
- 2) Applicant's arguments with respect to claims 12-23 have been considered but are moot in view of the new ground(s) of rejection. The new ground of rejection has been necessitated by the cancellation of the Claims 1-11 and the presentation of new Claims 12-23.
- 3) The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 101

- 4) Claims 12-17, and 22-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In Claims 12 and 23, there is no significant recitation of the data processing system or calculating computer for performing data processing operations. Although the preamble is deemed to be directed to a computer-implemented method, there is no specific recitation of any data processing system to provide the market price of the product to a user (e.g., "providing, by a computer system, the market ...). Without significant recitation of the data processing system to perform the claimed methods, applicant's method for providing a market price would have been performed by a mere human intervention.

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In Claim 22, the computer program product itself cannot be directed to a practical application of the invention in the useful art to accomplish a concrete, useful, and tangible result. When the computer program product is actually executed by the computer, the claimed subject matter produces a useful, concrete and tangible result.

Claim Rejections - 35 USC § 102

5) Claims 12-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Reuhl et al. (US 5,873,069).

As for Claim 12, Reuhl et al. discloses a method comprising:

accessing over a computer network an on-line marketplace to collect sales data for a plurality of products sold over a period of time, the sales data including an actual sales price of each sold product and a product description (see Figs. 5, 7-8, 13 and 21; col. 3, line 5 col. 4, line 56; col. 14, lines 5-62; col. 15, line 65 – col. 16, line 5);

using the collected sales data to generate for each of a plurality of products similar to the sold products a market price for the product (see Id.);

receiving from a user a request for a market price of an identified product; and

providing the market price of the identified product to a user from the generated market prices (see Supra columns).

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As for Claim 13, Reuhl et al. further discloses the method, wherein the product description for a sold product includes at least one of a general condition of the sold product, a year of manufacture, and a manufacturer (see Fig. 21).

As for Claim 14, Reuhl et al. further discloses the method, wherein the market price for the sold product a range of Prices (see Supra Figs. and columns).

As for Claim 15, Reuhl et al. further discloses the method, wherein the on-line marketplace is at least one of an internet auction site and Usenet groups (see col. 3, lines 20-21; "enterprise-wide" inherently MUST include the Internet auction site or Usenet groups).

As for Claim 16, Reuhl et al. further discloses the method, wherein the market price for each of the plurality of products is generated using at least one of online price lists for sold products buyer's and seller's sales reports, and surveys of participants of commercial transactions for sold products (col. 3, line 5 col. 4, line 56; col. 14, lines 5-62; col. 15, line 65 – col. 16, line 5).

As for Claim 17, Reuhl et al. further discloses the method, wherein the product is a used product (col. 3, lines 7-8 for "a plurality of goods").

As for Claim 18, Reuhl et al. discloses a system comprising:

an indexing module for accessing over a computer network an on-line marketplace to collect sales data for a plurality of products sold over a period of time, the sales data including an actual sales price of each sold product and a product description;

a market price generation module for using the collected sales data to generate for each of the plurality of products similar to the sold products a market price for the product; and

a user interface module for receiving from a user a request for a market price of an identified product and providing the market price of the identified product to the user from the generated market prices (see Figs. 5, 7-8, 13 and 21; col. 3, line 5 col. 4, line 56; col. 14, lines 5-62; col. 15, line 65 – col. 16, line 5).

As for Claim 19, Reuhl et al. further discloses the system including a database for storing sales data for the plurality of products sold over a period of time (see Figs. 1-2, 7).

As for Claim 20, Reuhl et al. further discloses the system, wherein the indexing module is further adapted to use the product description of each of the plurality of products to determine whether the system maintains a product description for sold products similar to each of the plurality of products and to update the product description for sold products with the product description of each of the plurality of products similar to the sold products (see Supra Figs. and columns).

As for Claim 21, Reuhl et al. further discloses the system, wherein the market price for the sold product represents a range of prices (see Id.).

As for Claim 22, Reuhl et al. discloses a computer program product, when executed by a computer processor, comprising:

a computer-readable medium having computer program code embodied therein for providing a market price for products sold over a period of time, the computer program code adapted to:

access over a computer network an on-line marketplace to collect sales data for a plurality of products sold over a period of time, the sales data including an actual sales price of each sold product and a product description(see Figs. 5, 7-8, 13 and 21; col. 3, line 5 col. 4, line 56; col. 14, lines 5-62; col. 15, line 65 – col. 16, line 5);

use the collected sales data to generate for each of a plurality of products similar to the sold products a market price for the product (see Id.);

receive from a user a request for a market price of an identified product; and

provide the market price of the identified product to a user from the generated market prices (see Supra columns).

As for Claim 23, Reuhl et al. discloses a method comprising:

accessing over a computer network an on-line resale marketplace to collect sales data for a plurality of products sold over a period of time, the sales data including an actual sales price of each sold product and a product description (see Figs. 5, 7-8, 13 and 21; col. 3, line 5 col. 4, line 56; col. 14, lines 5-62; col. 15, line 65 – col. 16, line 5; the market place is enterprise-wide (any market including regular, resale or used goods market);

using the collected sales data to generate for each of a plurality of products similar to the sold products a market price for the product (see Id.);

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receiving from a user a request for a market price of an identified product; and
providing the market price of the identified product to a user from the generated
market prices (see Supra columns).

Conclusion

6) The prior art made of record and not relied upon is considered pertinent to
applicant's disclosure.

US 6,415,263 is cited to show a system for determining and displaying product
pricing for an item including a price checker object for gathering and assembling pricing
information associated with the item.

US 6,253,208 is cited to show an information access system to create and
maintain a rapidly accessible index to information extracted from information sources
accessible over the Internet.

7) Applicant's amendment necessitated the new ground(s) of rejection presented in
this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP
§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37
CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE
MONTHS** from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the **THREE-MONTH** shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Woo whose telephone number is 571-272-6813. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard Woo
Patent Examiner
Art Unit 3639
June 23, 2005



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